

**M.C.O.C. SPECIAL CASE NO. OF 21/06**

**DATE: 4TH OCTOBER, 2010**

**EXT.No.625**

**DEPOSITION OF WITNESS NO.46 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Mushtaq Ahmed Mohd. Saheb

Age : 38 years

Occupation : Travel sub-agent

Res. Address : Room No. 12, 2<sup>nd</sup> Floor, 63, Sharifa bldg., Temkar  
Street, Nagpada, Mumbai-8.

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**EXAMINATION-IN-CHIEF BY SPP RAJA THAKARE FOR THE STATE.**

1. Since 1984 I am residing at the given address. I work as a sub-agent for procuring visa, tickets and for reaching the people to airport, etc. Before doing this business I was staying in Malad. I took education upto 7<sup>th</sup> standard in Urdu at Malad. Then I learnt the work of sub-agent from a person by name Badruddin. I had gone to Saudi Arabia in 1995 for work. Aatur Rehman had taken me there. He was my neighbour when we came to reside at the given address. His wife, three sons and one daughter used to stay with him. The elder son

was Faisal Ataur Rehman, second son was Rahil and the third was Muzzammil. I will be able to identify them if I see them. Faisal and Muzzammil are present in the court room. (Witness points to the accused no.3 and 9 sitting in the dock, they are asked to stand up and tell their names, which they state as Faisal Ataur Rehman Shaikh and Muzzammil Ataur Rehman Shaikh). These are the two sons. I know that Faisal was educated in Malegaon. I do not know to which sect he belongs.

2. Acquaintances from Kerala, Andhra Pradesh, Hyderabad used to bring the work of obtaining visas and tickets, etc. I used to get commission for that work. I used to get the work of Maldives, Saudi Umrah done from agent by name Umar Patni on Nagdevi Street in Crawford Market. I used to get done the work of Iran from agent by name Zohar Sayyed in Dongri. I used to get done the work of Ziarat in Iran from agent by name Ashik Ali of As Serat Tours and Travels.
3. I have had no business relation with Faisal and Muzzammil. I do not know where Rahil is.
4. ATS police had called me on 06/08/06 for the purpose of inquiry about the bomb blasts of 11/07/06. They had inquired with me

about the work of obtaining visa that I had done for the persons whom they had caught, i.e., Faisal and Muzzammil. They had also asked me from whom I had got the work done. Faisal had brought the work of obtaining visas for Rahil and himself for Umrah in Saudi Arabia in 2003. I had done that work from agent Umar Patni. These two had not gone in group. They had gone separately. Thereafter, in 2004 Faisal had asked me to obtain visa for Iran for his friend Tanveer Ahmed Ansari. He had sent his passport with Muzzammil. I had given that work to agent Johar Sayyed. The ticket for that person was obtained from Akbar Travels. After some days, Muzzammil gave his passport for obtaining visa for Iran. I had given that passport to agent Ashik Ali. Thereafter, Muzzammil had also given the passport of Firoz Ghaswala for obtaining visa for Iran, which I had given to agent Johar Sayyed. In 2005 or 2006 Faisal had given the passport of Zameer Ataur for obtaining visa for Iran, which I had given to agent Ashik Ali. He used to give such work to me every two-three months. He had given me the passports of Faiyyaz Ahmed and Mohd. Chand for obtaining visa of Iran, which I had given to Ashik Ali. The tickets were also obtained from Ashik Ali.

5. All the visas were obtained for Ziarat. Ashik Ali had asked me for what purpose those persons want to go to Iran. I had facilitated a talk between him and Faisal on phone. Mostly Shia sect Muslims go for Ziarat to Iran. I do not know to what sect Faisal belongs. ATS police had recorded my statement.

**Cross-examination by Adv Wahab Khan for A/2, 7, 10 & 13**

6. I do not maintain any register about my work. It is true that after Ramzan Id the period of Haj starts and it is for two months and there is lot of business during this period. During the period of Ramzan, which is the month of fast, many people go for Umrah and there is a lot of rush. It is true that at the time of Iran's National day and the annual function of the tomb of Imam Reza, there is a rush of people to go there. It is true that my work is concerned only with taking the passports from the persons, giving it to the agent for visa and after taking it back from the agent to give it back to the person. I do not have a permanent office and sign boards about my business. It is true that sometimes, I get one or two passports in a day, sometimes I get 10-12 and sometimes nothing. I do not do the work of obtaining visa for Haj. It is true that for a certain period I get the work of Umrah

continuously, for certain period I get the work of Ziarat and sometimes the work of both overlaps. It is true that it is difficult to tell what work I did before one year and what work I did before three or four years about a particular person with his name and whether it was for Umrah or Ziarat and whether ticket was obtained and visa was obtained. It is difficult to remember after three or four years as to from which relative, friend or acquaintance a person had come to me for the work of visa and ticket. However, it is possible to remember about some special persons. The people who send me work from Hyderabad, Andhra Pradesh, Kerala and Mumbai are special for me.

7. I reached the ATS office at 9.00 a.m. At about 10.00 a.m. they called me in the office. Before that day I was not called in any office of the Crime Branch or in a police station. I can tell the names of the two ATS officers who had inquired with me. One was Kolhatkar and the other was Bawdhankar. They started inquiring with me at about 11.00 or 11.30 a.m. There was big rush there at that time. It is not true that the ATS officers told me the names of Faisal, Muzzammil, Tanveer, etc., and said that I had done their work of visa of Iran. I had not stated to the police that I had remained present at the office of the

ATS, Mumbai as I was asked by them for the purpose of inquiry in connection with the bomb blasts in the western railway local trains on 11/07/06 about the work of obtaining visas and tickets for going for Umrah in Saudi Arabia for arrested persons Faisal and his brother Rahil, about obtaining their passports for visa of Ziarat to Iran of Zameer Aatur, Mohd. Chipa Chand and Zulfiquar Faiyyaz from him for the same purpose and of Muzzammil giving his passport and also of Tanveer Ansari and Firoz Ghaswala. I cannot assign any reason why this is written in my statement. (Witness is confronted with the relevant portion from his statement. Hence, it is marked as 'A').

8. I have not gone to Iran. I do not know the places of Ziarat in Iran. I do not know which sect people go for Ziarat to Iran and who do not go. It is not true that I do not know where the tombs of the religious leaders of Shia are located.
9. ATS officers inquired with me upto 5.00 p.m. I left the ATS office at about 7.00 to 8.00 p.m. I do not know whether other sub-agents, agents and tour operators had come there on that day. On that day no such person known to me had come there. The ATS officers had shown me Faisal. They had not shown me any other

person. When I was sent to another room, Muzzammil was there. They did not point to persons and tell me that he is Faisal and Muzzammil. I had not told them voluntarily that the persons sitting there is Faisal and Muzzammil.

(Adjourned for recess).

**Date:- 04/10/10**

**(Y.D. SHINDE)  
SPECIAL JUDGE**

**Resumed on SA after recess**

10. It did not happen that police pointed out Faisal and Muzzammil to me and then I identified them. I did not state this when I give my statement. I cannot assign any reason why it is so written in my statement. (Witness is confronted with the relevant portion from his statement. Hence, it is marked as '**B**'). I did not give any document to the police. Police did not ask for any document from me. Police had shown me documents. They had shown zerox copy of the passport of Faisal. I had read the name and address and I had seen the photograph. I now again say that his passport was not shown to me.

11. I have not done any course of obtaining visa or tickets.

Police have never caught me in connection with my work. It is not true that police catch agents who solicit customers outside the consulates. I used to go around the Qatar consulate for this work. I had stated to the police that I used to get the work of visa of Maldives and Saudi Umrah from agent by name Umar Patni, that the ATS officers had asked me from whom I get the work done, that in 2004 Faisal had asked me to obtain visa for Iran for his friend Tanveer Ahmed Ansari and had sent the passport with Muzzammil, that he used to give such work to me every two-three months, that Ashik had asked me for what work these people are going to Iran and I had facilitated the talk between him and Faisal. I cannot assign any reason why all these things are not in my statement. It is not true that my statement was not read over to me. They did not take my signature. The typing of my statement was finished at about 4.30 p.m. They did not inquire with me thereafter. They had not started typing when they started inquiry with me at about 10.30 a.m.. At about 2.00 p.m. they started typing the statement. Upto 2.00 p.m. they inquired with me orally. Rough notes were taken by hand at that time. The two officers, whose names I told, inquired with me.



12. I am a Sunni Muslim. It is true that in Muslims, Sunnis are the persons who first go to dargahs. They are the persons who first distribute and eat the Niyaz at the dargahs. They also have photographs of dargahs in their houses. It is true that descendants of Prophet Mohammad like his daughter, son-in-law and grandsons are respectable persons for Sunni Muslims. Visit to the tombs of these persons and of the persons who were around the Prophet at that time, is a pious act for Sunni Muslims. I do not know whether if a Sunni Muslim utters bad words about these persons, then he is out-casted. I had performed Haj and Umrah pilgrimage when I went to Saudi Arabia. At the time of Haj, copies of Kuran are gifted by the Government of Saudi Arabia to groups of pilgrims. Sunnis do not respect Imam Reza. I do not know who is Imam Reza. Stamp of the government is not affixed when one visits for Haj and Umrah.

13. I also do the work of obtaining employment visa. I worked for eighteen months in Saudi Arabia. There are strict rules of immigration for persons going there for work. It is true that passports of persons who go for employment are taken by the employers. It is true that the climate is more hot and the work is more tedious there

than in India. Bond of two years is taken by the employer. It is true that even if a person is not able to bear the heat and the workload, the employers do not allow them to go back before the expiry of the bond period. Even if requested, they do not return the passports and do not give money for tickets. It is true that the way out of this problem is to leave the work of the employer without intimation and without taking the passport, take up work with less remuneration somewhere else and when caught by the police, go to prison for a month or two and be deported back to India. It is true that when I went to Saudi Arabia, the salaries there were more as compared to India. It is true that there are people, who on the pretext of going for Haj or Umrah, do not do the pilgrimage but run away and take up employment.

14. I used to send money to my home when I was in Saudi Arabia. It is not true that I used to send it through Hundi. I used to send it through banks. I used to get the salary of Rs. 11,500/-. I may have sent Rs. 70,000/- or 80,000/- to my home. I sent the money in the name of my sister Hasinabi Mohd. Saheb through Bombay Mercantile Bank, Bohari Mohalla, Bhendi Bazar, in which she had an

account. I do not have my passbook. If I get the passbook of my sister, I can produce it. I have not seen her passbook. I do not know through which bank in Saudi Arabia I sent the money. (Witness is called upon to produce the passbook of his sister or bank statement).

15. I cannot tell the number of visas that I obtained from 2003 to 2006 or how many in a particular month. I do not have any account about the commission that I receive for obtaining the visas. I do not have the copies of the passport of the persons whose visas I obtained.

16. It is true that the other persons whose passports were given by Faisal and Muzzammil for visa, did not come to me personally. I did not tell them that I want to meet them. Police did not ask me to describe those persons. Police asked me whether those persons had come before me and I told them that they had not come. It did not happen that Muzzammil had brought Tanveer before me in 2004 and had told me that he is a Shia and he wants to go for Ziarat to Iran. I had not stated so to the police when I gave my statement. I cannot assign any reason why it is so written in my statement. (Witness is confronted with the relevant portion from his statement.

Hence, it is marked as 'C'). It did not happen that in 2005 Muzzammil had brought Firoz Ghaswala to me and had told me to obtain visa for Ziarat in Iran. I had not stated so to the police when I gave my statement. (Witness is confronted with the relevant portion from his statement. Hence, it is marked as 'D'). I cannot assign any reason why it is so written in my statement. It did not happen that from 2005 to May 2006 Faisal had brought Zameer Ataur, Mohd. Chipa Chand and Zulfuquar Faiyyas and had told me that they are Shia Muslims and asked me to obtain visa for Ziarat to Iran. I had not stated so to the police when I gave my statement. (Witness is confronted with the relevant portion from his statement. Hence, it is marked as 'E'). I cannot assign any reason why it is so written in my statement. It did not happen that in May 2006 Faisal had brought a passport of a person for visa and ticket for Ziarat to Iran, but as he had not brought that person and I did not know to which Muslim sect he belongs, I did not do the work of visa and ticket. I had not stated so to the police when I gave my statement. (Witness is confronted with the relevant portion from his statement. Hence, it is marked as 'F'). I cannot assign any reason why it is so written in my statement. It did not

happen that Ashik Ali and Zohar Sayyed had asked me about the said persons when I gave them the work of visa and ticket and I told them that they are Shia Muslims. I had not stated so to the police when I gave my statement. (Witness is confronted with the relevant portion from his statement. Hence, it is marked as 'G'). I cannot assign any reason why it is so written in my statement.

17. I have not gone to Iran, therefore, I do not know what is the procedure about Niyaz at the tomb of the Imam. I had stated to the police that every Shia Muslim who goes for Ziarat to Iran, visits the tomb of Imam Reza and takes Niyaz there and for that purpose a round stamp is put on the visa of that person. It is not true that the ATS officers told me about this. I had not stated to the police that Faisal and Muzzammil had posed to me that they are Shia Muslims and had misled me and had obtained visa and ticket for Ziarat in Iran and if I would have known it, I would not have done their work. (Witness is confronted with the relevant portion from his statement. Hence, it is marked as 'H'). I cannot assign any reason as to why it is so written in my statement.

18. It is true that Imam Reza, Masom-e-qum and Shah

Abdul Azim are respected by Sunni Muslims. It is true that as they are descendants of Prophet Mohammad. Sunni Muslims have the wish to visit their tombs in Iran and if possible in their lifetime, they visit them. I had not stated to the police that Sunni Muslims do not go for Ziarat to the above three places. It is not true that as the ATS officer told me that I had done the work of visa and tickets of the persons whose passports Faisal and Muzzammil had given to me, therefore, I am saying so. It is not true that I have not done the visa and ticket work of the persons whose names I stated. It is not true that police read over my statement to me today, that I deposed falsely at the instance of the ATS.

**Cross-examination by Adv P. L. Shetty for A/3, 8, 9, 11,12**

(Adjourned as court time is over).

**Date:- 04/10/10**

**(Y.D. SHINDE)  
SPECIAL JUDGE**

**Date : 05/10/2010**

**Resumed on SA.**

19. (During the cross-examination by learned advocate for A/2,7,10 & 13, the witness was directed to produce bank passbook of his sister or a statement of account from the bank. Witness states that he had gone to the bank, but the bank officials told him that they do not keep record that is more than ten years old. Witness states that he has brought three remittance slips of the money that he sent

from Saudi Arabia. The slips dated 23/10/93, 24/11/93 and 21/02/94 are received in evidence and marked as **Exts. 626(1 to 3), 627 & 628** respectively).

**Cross-examination by Adv P. L. Shetty for A/3, 8, 9, 11,12**

20. I was staying with Ataur Rehman Shaikh at Saudi Arabia. It is not true that in 1994-95 I had no work in Mumbai, therefore, my brother spent for the ticket and sent me with Ataur Rehman to Saudi Arabia. I did not go to Saudi Arabia in 1994-95, but I went in 1993. I had gone in April, 1993 but I do not remember the exact date. I had stated to the police that I had gone to Saudi Arabia in 1994-95. When I saw the remittances yesterday at my house, at that time I realized that I had gone in 1993. I now again say that I do not remember whether I had stated to the police that I had gone in 1994-95. (Witness is confronted with the relevant portion from his statement. Hence, it is marked as **I**). I cannot assign any reason why it is so written in my statement. I did not find bank passbook of my sister. I may have sent money on five-six occasions from Saudi Arabia. I cannot tell the date when I sent the money for the first time. I do not know the number of my sister's bank account and whether it



is savings or current. I sent money on the first occasion after about 5-6 months after I had gone to the Saudi Arabia. I did not used to go to the bank for remitting the money. I used to give the money to Ataur Rehman and he used to send it in my name, therefore, I do not know how many receipts were given by the bank. The receipts that I brought today were with me. I used to send Rs. 10,000/- on every occasion. I have not obtained any of these receipts by personally going to the bank. I cannot say whether the five receipts are of one transaction or of five transactions.

21. I know Ataur Rehman's family closely since 1984. We used to visit each others house, go out together, etc. We stayed in one house and worked together in Saudi Arabia. One can say whether a person is Shia or Sunni Muslim by the way he does Namaz, but not by the way he wears clothes or behaves. I do Namaz once in a day. I and Ataur used to do Namaz together in Saudi Arabia. However, I have never done Namaz with him in Mumbai when we were staying in one building. We used to go together in Masjid or other pilgrimage centers in Saudi Arabia.

22. I had sent two-three persons to Maldives for work. I had

sent a person for doing tailoring work and one for electrician work. I cannot tell their names and the year in which I had sent them. Except the work of the persons mentioned by me, I have not done the work of other persons of obtaining visa and tickets for Ziarat to Iran. I cannot tell for how many persons I have obtained visa and tickets for Umrah. I cannot tell how many times I have given the work of obtaining visa and ticket to Umar Patni. I have given similar work to him for sending people to Malaysia and Dubai. I cannot tell the names of the persons and for what work I had sent them to Malaysia and Dubai. I cannot tell the number of work that I received from Kerala, Andhra Pradesh and Hyderabad. I cannot tell the names of the persons, for what work and during which year their visa and tickets were obtained, out of the work that I received from Kerala, Andhra Pradesh and Hyderabad.

23. I had stated to the police that acquaintances from Kerala, Andhra Pradesh, Hyderabad used to bring the work of obtaining visas and tickets, etc., and that I used to get the work of Maldives, Saudi Umrah done from agent by name Umar Patni on Nagdevi Street in Crawford Market. I cannot assign any reason why it

is not written in my statement. After the statement was read over to me, I did not tell them that some things that I told are not written in my statement and some things that I did not tell are written. It is true that after collecting the visa and tickets, I gave them to the persons and I do not know how and when they went and I did not talk with them regarding their travel after handing over the visa and ticket to them as and when I received them, may be one day, two day or more days before the travel.

24. I had stated to the police that Faisal and Rahil had not gone in group, but they had gone separately for Umrah in Saudi Arabia. I cannot assign any reason why it is not written in my statement. I cannot tell the date and month of their ticket. I cannot tell from what date to what date their visas were valid. Their visas were not of one period. There was a time gap of one month between the visa of Rahil and Faisal. I do not know when Faisal returned from Umrah by using that visa. I do not know whether he returned during the period of visa or he stayed there for one year.

25. I cannot tell the date and month when the passport of Tanveer Ahmed was given to me for obtaining visa and tickets. After

my statement was finished at 4.30 p.m., the ATS officers asked me to sit there, therefore, I did not tell them that my statement is over and I am going. It is true that police showed me zerox copies of three passports and not originals. I do not remember whose passports they were. I was not shown zerox copies of four passports. I cannot say whether it will be wrong to say that police showed me zerox copies of four passports and if it is so written in my statement. It is not true that I deposed falsely because of the pressure of the police.

**Cross-examination by Adv Rasal for A/1 and 4 to 6**

26. Declined.

**No re-examination.**

**R.O.**

**Spl. Judge  
Date:- 05/10/10**

**(Y.D. SHINDE)  
SPECIAL JUDGE  
UNDER MCOC ACT,99,  
MUMBAI.**